

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATHY S. PETERS,

Plaintiff,

v.

**Case No.: 2:18-cv-197
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on January 7, 2019. The Magistrate Judge recommended that Plaintiff's Statement of Errors be overruled and the decision of the Commissioner of Social Security be affirmed. (*See Report and Recommendation*, Doc. 22). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 23). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff objects to the ALJ and Magistrate Judge's findings, arguing that "the ALJ cherry picked the medical evidence as well as evidence about Ms. Peters's activities of daily living." (Doc. 23 at 2). Specifically, Plaintiff asserts that the ALJ's consideration of her activities were selectively cited in such a way that her analysis of Ms. Peters's RFC was not based on a fair summation of the evidence.

Plaintiff's objection presents the same issue already presented to, and carefully considered by, the Magistrate Judge in the *Report and Recommendation*. Plaintiff has not presented any new evidence or argument other than what was previously presented in her Statement of Errors. Plaintiff merely disagrees with the ALJ and Magistrate Judge's conclusions, specifically with respect to Plaintiff's activities of daily living. As the Magistrate Judge correctly recognized, an ALJ is not required to "discuss every piece of evidence in the record to substantiate [his] decision." (Doc. 22 at 6-7). Further, an allegation of "cherry picking" "is seldom successful because crediting it would require a court to re-weigh record evidence." (*Id.* at 7). The Court agrees with the Magistrate Judge's conclusions that the ALJ did not address every piece of evidence in the record, but the findings show that the entire record was considered and the ALJ did not "cherry pick" the medical evidence to support his RFC determination.

The Court has carefully considered Plaintiff's objection, but finds that the decision of the ALJ was supported by substantial evidence as acknowledged in detail in the Magistrate Judge's *Report and Recommendation*. Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objection is without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objection has been thoroughly considered and is hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 22, is **ADOPTED** and **AFFIRMED**. Plaintiff's Statement of Errors is hereby **OVERRULED**, and the decision of the Commissioner of Social Security is **AFFIRMED**.

The Clerk shall remove Documents 22 and 23 from the Court's pending motions list, and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT